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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/026,307

12/18/2001

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EXAMINER

DYKE, KERRI M

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/026,307

Applicant(s)

BASORE ET AL.

Examiner

Kerri M. Dyke

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/18/01&1/22/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Reference number 303 is used in page 7 to refer to both the cache and the formatter.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baughan (US 6,510,210) in view of PacketCable™ Specification.
4. In regards to claim 1, Baughan discloses a network interface device, the device comprising: a cable port (Figure 2 element 152); a cache (Figure 2 element 1531); and an output port (Figure 2 element 151). A formatter for formatting a CallerID data packet for delivery to at least one end device is not explicitly shown. As shown in figure 1, this network device is capable of communicating with several different types of devices, which may operate in different formats. It would have been obvious to one skilled in the art that the network interface device would include a formatter to ensure that data incoming from the network is usable by the different types of end devices. Baughan does not disclose a call monitor.

PacketCable™ discloses in page 19 that Caller-ID service is provided in a reliable manner to the destination device. It would have been obvious to one of ordinary skill in the art that a monitor for extracting this information must have been included.

It would have been obvious to one of ordinary skill in the art to modify the interface device as taught by Baughan with the ability to extract Caller-ID information as taught by PacketCable™.

The motivation for doing so would have been to alert the called party to the identity of the caller before answering the phone. This allowed the called party to decide whether to answer the phone. This motivation is not explicitly stated, but has been well-known since the invention of Caller-ID in 1983.

5. In regards to claim 2, Baughan and PacketCable™ disclose the device of claim 1. Baughan further discloses the device further comprising a cable modem termination system (CMTS) (Figure 1 element 18) connected to the cable port via a hybrid fiber coax (HFC) (Figure 1) for routing data packets to the network interface device.

6. In regards to claims 3 and 9, Baughan and PacketCable™ disclose the device of claim 2. Baughan does not disclose the reception of an IP or port address from a configuration file.

PacketCable™ further discloses wherein the cable port receives an IP address of the at least one end device and CallerID application port number data from a configuration file in a server. In page 69, section 1.3 it is disclosed that the connection address field must be an IP address. In page 72 section 4.2 it is disclosed that the receive port must be specified. It would have been obvious to one of ordinary skill in the art that the IP address and port must have been supplied for a source, which could include a configuration file.

It would have been obvious to one of ordinary skill in the art to modify the device, capable of addressing several different devices, as disclosed by Baughan in column 5 lines 12-14 to include the address data as taught by PacketCable™.

The motivation for doing so would have been to ensure data delivery to the correct end device.

7. In regards to claim 4, Baughan and PacketCable™ disclose the device of claim 3. Baughan further discloses wherein the IP address of the at least one end device is stored in the cache. In column 3 line 67 and column 4 line 1, Baughan discloses that the cache can store media streams and other related application data. It would have been obvious to one skilled in the art that the IP address can be considered related application data, as the IP address would serve, for example, to particularly point out the end device for a buffered data stream.

8. In regards to claims 5-7, 10, and 11, Baughan and PacketCable™ disclose the device of claims 4 and 9. Baughan does not disclose wherein the cable port sends the IP address of the at least one end device to a CMTS and receives a data packet from the CMTS, the data packet comprising a Source ID destination ID string. Baughan also does not disclose wherein the data packet further comprises a field selected from the group consisting of packet type, number of calling party, caller's name, number being called, and timeout.

In section 9.6, beginning on page 83, PacketCable™ discloses the procedure for establishing a path between two endpoints. The packets exchanged, particularly those illustrated on page 89 and 92, include information such as IP address and Source ID destination ID string. Section 9.6 ends on page 135.

It would have been obvious to one skilled in the art to use the procedure as described by PacketCable™ with the device disclosed by Baughan.

The motivation for doing so would have been to take advantage of the industry standardization for device communication provided by PacketCable™.

9. In regards to claims 8 and 12, Baughan and PacketCable™ disclose the device of claims 6 and 10. Baughan further discloses wherein the output port sends the data packet to at least one end device. A telephonic transceiver (column 1 line 45) is one of the choices of end terminals disclosed by Baughan. It would have been obvious to one skilled in the art to deliver the data packet containing the Caller-ID information to at least this one end device for display of the Caller-ID information, as was known in the art.

10. In regards to claim 13, Baughan and PacketCable™ disclose the network of claim 1. It would have been obvious to one skilled in the art for the network interface device to trigger an on- screen display unit to display CallerID information and line number at the least one end device because on-screen display has been the standard method of providing Caller-ID information since its inception in the early 1980's.

11. In regards to claim 14, Baughan and PacketCable™ disclose the method of multicasting Caller-ID information. Receiving an incoming call over a cable network and extracting the Caller-ID information has been rejected in the claim 1 rejection above. (Although claims 1-13 are directed to a device, the device must function according to some method.) Identifying an IP address and an application port number corresponding to an end device has been rejected in the claim 3 rejection above. Delivering the Caller-ID information to at least one end device has been rejected in the claim 13 rejection above. Baughan discloses in column 5 lines 12-14 that the

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device is capable of multiple simultaneous transmissions. It would have been obvious to one skilled in the art that the device was capable of multicasting the Caller-ID information across these multiple streams.

12. In regards to claim 17 Baughan and PacketCable™ disclose the method of claim 14, see rejection above. They also disclose querying a CMTS/ER and receiving a data packet containing a Source ID destination ID, which is delivered to at least one end device. See the rejection of claims 10 and 13 above.

13. In regards to claim 18 Baughan and PacketCable™ disclose the method of claim 17, see rejection above. They also disclose the data packet further consists of packet type, number of calling party, caller's name, number being called, and timeout, see claim 7 rejection above.

14. In regards to claim 19, Baughan and PacketCable™ disclose the method of claim 14 further comprising multicasting the information to more than one device. See the claim 14 rejection above.

15. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baughan and PacketCable™ as applied to claim 19 above, and further in view of Wahlroos (US 6,924,845).

Baughan and PacketCable™ disclose the method of claim 19. They do not disclose the group of end devices consisting of a set-top box, a television, a stereo receiver, and a computer.

Wahlroos discloses a method for using video and/or audio clips by a group of end devices consisting of a set-top box, a television, a stereo receiver, and a computer as seen in figures 1 and 3. Wahlroos is analogous art because it is directed towards the same problem of providing information the user might find useful or desirable to several different end devices.

It would have been obvious to one of ordinary skill in the art to expand the group of end devices as taught by Baughan and PacketCable™ to include the devices taught by Wahlroos.

The motivation for doing so is because these devices are most likely the most common household devices and therefore the most useful for Caller-ID announcements.

16. In regards to claims 21 and 22, Baughan and PacketCable™ disclose the method of 19 where the created announcement is visual. See the claims 13 and 19 rejections above. The on-screen display of claim 13 is inherently an announcement.

17. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baughan and PacketCable™ as applied to claim 21 above, and further in view of Clapper (US 6,154,531).

18. Baughan and PacketCable™ disclose the method of claim 21. They do not disclose wherein the announcement is audible.

Clapper discloses an audible Caller-ID announcement in column 1 lines 42-43.

It would have been obvious to one of ordinary skill in the art to modify the announcement mechanism as taught by Baughan and PacketCable™ to allow for audible announcement as taught by Clapper.

The motivation for doing so is to enable the user to choose the mode of announcement as taught by Clapper in column 3 lines 31-33.

***Allowable Subject Matter***

19. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Friday, 8:10 am - 4:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMD

  
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TECHNOLOGY CENTER 2801 8/12/05